



General Assembly

February Session, 2012

***Raised Bill No. 5163***

LCO No. 929

\*00929\_\_\_\_\_TRA\*

Referred to Committee on Transportation

Introduced by:  
(TRA)

***AN ACT CONCERNING REVISIONS TO THE DEPARTMENT OF  
TRANSPORTATION STATUTES.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 13a-80 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2012*):

3 (a) The [commissioner] Commissioner of Transportation, with the  
4 advice and consent of the Secretary of the Office of Policy and  
5 Management and the State Properties Review Board may sell, lease  
6 and convey, in the name of the state, or otherwise dispose of, or enter  
7 into agreements concerning, any land and buildings owned by the  
8 state and obtained for or in connection with highway purposes or for  
9 the efficient accomplishment of the foregoing purposes or formerly  
10 used for highway purposes, which real property is not necessary for  
11 such purposes. The commissioner shall notify the state representative  
12 and the state senator representing the municipality in which said  
13 property is located within one year of the date a determination is made  
14 that the property is not necessary for highway purposes and that the  
15 department intends to dispose of the property.

16 (b) The Department of Transportation shall obtain a full appraisal  
17 on excess property prior to its sale [ Except as provided in subsection  
18 (c) of this section, transfers] and shall hold a public bid or auction for  
19 all properties determined to be legal lots of record. If the department  
20 does not receive any bids at the initial public bid or auction, it may  
21 continue to market the property and accept offers for sale or hold  
22 another bid or auction. Transfers to other state agencies and  
23 municipalities for purposes specified by the department shall be  
24 exempt from the appraisal requirement. The department shall offer  
25 parcels that are legal lots of record to other state agencies before  
26 holding a public bid or auction and shall offer parcels that are not legal  
27 lots of record to all abutting landowners in accordance with  
28 department regulations. If the sale or transfer of property pursuant to  
29 this section results in the existing property of an abutting landowner  
30 becoming a nonconforming use as to local zoning requirements, the  
31 Commissioner of Transportation may sell or transfer the property to  
32 such abutting landowner without public bid or auction. The  
33 department shall obtain a second appraisal if such property is valued  
34 [over one] more than two hundred fifty thousand dollars and is [not]  
35 to be sold [through public bid or auction] to an abutting landowner or  
36 in accordance with the provisions of subsection (c) of this section. Any  
37 appraisals [or value reports] shall be obtained prior to the  
38 determination of a sale price of the excess property.

39 (c) Notwithstanding the provisions of sections 3-14b and 4b-21, no  
40 residential property upon which a single-family dwelling is situated at  
41 the time it is obtained by the department for highway purposes may be  
42 sold or transferred pursuant to this section within twenty-five years of  
43 the date of its acquisition without the department's first offering the  
44 owner or owners of the property at the time of its acquisition a right of  
45 first refusal to purchase the property at the amount of its appraised  
46 value as determined in accordance with the provisions of subsection  
47 (b) of this section. [ except for property offered for sale to  
48 municipalities prior to July 1, 1988.] Notice of such offer shall be sent  
49 to each such owner by registered or certified mail, return receipt

50 requested, within one year of the date a determination is made that  
 51 such property is not necessary for highway purposes. Any such offer  
 52 shall be terminated by the department if it has not received written  
 53 notice of the owner's acceptance of the offer within sixty days of the  
 54 date it was mailed. [Whenever the offer is not so accepted, the  
 55 department shall offer parcels which meet local zoning requirements  
 56 for residential or commercial use to other state agencies and shall offer  
 57 parcels which do not meet local zoning requirements for residential or  
 58 commercial use to all abutting landowners in accordance with  
 59 department regulations. If the sale or transfer of the property pursuant  
 60 to this section results in the existing property of an abutting landowner  
 61 becoming a nonconforming use as to local zoning requirements, the  
 62 Commissioner of Transportation may sell or transfer the property to  
 63 that abutter without public bid or auction.] The commissioner shall  
 64 adopt regulations, in accordance with the provisions of chapter 54,  
 65 establishing procedures for the disposition of excess property pursuant  
 66 to the provisions of this subsection in the event such property is  
 67 owned by more than one person.

68 (d) Where the department has in good faith and with reasonable  
 69 diligence attempted to ascertain the identity of persons entitled to  
 70 notice under subsection (c) of this section and mailed notice to the last  
 71 known address of record of those ascertained, the failure to in fact  
 72 notify those persons entitled thereto shall not invalidate any  
 73 subsequent disposition of property pursuant to this section.

74 Sec. 2. Subsection (e) of section 15-13 of the general statutes is  
 75 repealed and the following is substituted in lieu thereof (*Effective*  
 76 *October 1, 2012*):

77 (e) Said commissioner may inactivate, suspend or revoke any pilot's  
 78 license for (1) incompetence, (2) neglect of duty, (3) misconduct, (4)  
 79 physical limitations preventing performance of duties, or [(4)] (5) using  
 80 a vessel owned or operated by a person who has not obtained a  
 81 certificate of compliance under the provisions of section 15-15e, as

82 amended by this act, for the purpose of embarking or disembarking  
83 another vessel in open and unprotected waters. Any person aggrieved  
84 by the action of said commissioner under the provisions of this  
85 subsection may appeal therefrom in accordance with the provisions of  
86 section 4-183.

87 Sec. 3. Section 15-15e of the general statutes is repealed and the  
88 following is substituted in lieu thereof (*Effective October 1, 2012*):

89 (a) [On and after October 1, 1997, no] An owner or operator of a  
90 vessel [may] used to transport or offer to transport a pilot licensed  
91 under the provisions of section 15-13, as amended by this act, for the  
92 purpose of embarking or disembarking another vessel in open and  
93 unprotected waters [unless such owner or operator has obtained] shall  
94 obtain a certificate of compliance from [the Commissioner of  
95 Transportation. On and after October 1, 1997, the Commissioner of  
96 Transportation shall issue a certificate of compliance to each owner or  
97 operator of a vessel used to transport a licensed pilot for the purpose  
98 of embarking or disembarking another vessel in open and unprotected  
99 waters who complies with the requirements specified in regulations  
100 which shall be adopted by the commissioner in accordance with the  
101 provisions of chapter 54. The regulations shall specify (1) standards  
102 and procedures for the issuance and renewal of such certificate; (2)  
103 grounds for the suspension of such certificate; (3) requirements relative  
104 to the inspection of such vessels, including the designation and  
105 qualifications of inspectors of such vessels and the maintenance and  
106 inspection of logs in each such vessel; (4) the procedures for  
107 embarkation and disembarkation of pilots; and (5) the operation of and  
108 equipment required on each such vessel. Such regulations may  
109 establish standard rates for the use of each such vessel for such  
110 purpose. For the purposes of this subsection, "open and unprotected  
111 waters" means waters located east of the area depicted on the National  
112 Oceanic and Atmospheric Administration charts of the eastern portion  
113 of Long Island Sound as "The Race"] a qualified marine surveyor.  
114 Marine surveyors shall be guided by applicable United States Coast

115 Guard regulations, if any, and standards set by insurance companies  
116 for the insurability of such vessel.

117 (b) Any person who [violates any provision of] fails to comply with  
118 subsection (a) of this section or any regulation adopted thereunder  
119 shall be fined not less than [sixty] five hundred dollars nor more than  
120 [two hundred fifty] one thousand dollars. [for each such violation.]

121 Sec. 4. (NEW) (*Effective October 1, 2012*) The Commissioner of  
122 Transportation may issue a filming permit, on a form required by the  
123 commissioner, to any person seeking to film upon the state highway  
124 right-of-way or state real property under the custody and control of  
125 the Department of Transportation. Such permit shall specify the  
126 insurance coverage that the permittee shall be required to obtain, as  
127 determined by the commissioner in consultation with the state's  
128 Director of Insurance and Risk Management, with the state named as  
129 an additional insured. No liability shall accrue to the state or any  
130 agency or employee of the state for any injuries or damages to any  
131 person or property that may result, either directly or indirectly, from  
132 the filming activities of the permittee on state real property or state  
133 highway right-of-way.

134 Sec. 5. (NEW) (*Effective October 1, 2012*) The Commissioner of  
135 Transportation may grant easements with respect to land owned by  
136 the state to a public service company, as defined in section 16-1 of the  
137 general statutes, the owner of a district heating and cooling system, or  
138 a municipal water or sewer authority, in connection with bringing  
139 utility service to a Department of Transportation facility or office,  
140 subject to the approval of the State Properties Review Board.

141 Sec. 6. Subsection (a) of section 13b-251 of the general statutes is  
142 repealed and the following is substituted in lieu thereof (*Effective July*  
143 *1, 2012*):

144 (a) The minimum overhead clearance for any structure crossing  
145 over railroad tracks for which construction is begun on or after

146 October 1, 1986, shall be twenty feet, six inches, except that, (1) if the  
147 construction includes only deck replacement or minor widening of the  
148 structure, and the existing piers or abutments remain in place, the  
149 minimum overhead clearance shall be the structure's existing overhead  
150 clearance; (2) the minimum overhead clearance for any structure  
151 crossing any railroad tracks on which trains are operated that are  
152 attached to or powered by means of overhead electrical wires shall be  
153 twenty-two feet, six inches; (3) the minimum overhead clearance for  
154 the structure that carries (A) Route 372 over railroad tracks in New  
155 Britain, designated state project number 131-156, (B) U.S. Route 1 over  
156 railroad tracks in Fairfield, designated state project number 50-6H05,  
157 (C) Route 729 over railroad tracks in North Haven, designated state  
158 project number 100-149, (D) Grove Street over railroad tracks in  
159 Hartford, designated state project number 63-376, (E) Route 1 over  
160 railroad tracks in Milford, designated state project number 173-117, (F)  
161 Ingham Hill Road over railroad tracks in Old Saybrook, designated  
162 state project number 105-164, (G) Ellis Street over railroad tracks in  
163 New Britain, designated state project number 88-114, (H) Route 100  
164 over the railroad tracks in East Haven, bridge number 01294, and (I)  
165 Church Street Extension over certain railroad storage tracks located in  
166 the New Haven Rail Yard, designated state project number 92-526,  
167 shall be eighteen feet; (4) the minimum overhead clearance for those  
168 structures carrying (A) Fair Street, bridge number 03870, (B) Crown  
169 Street, bridge number 03871, and (C) Chapel Street, bridge number  
170 03872, over railroad tracks in New Haven shall be seventeen feet, six  
171 inches; (5) the minimum overhead clearance for the structure carrying  
172 State Street railroad station pedestrian bridge over railroad tracks in  
173 New Haven shall be nineteen feet, ten inches; (6) the overhead  
174 clearance for the structure carrying Woodland Street over the Griffins  
175 Industrial Line in Hartford, designated state project number 63-501,  
176 shall be fifteen feet, nine inches, with new foundations placed at  
177 depths which may accommodate an overhead clearance to a maximum  
178 of seventeen feet, eight inches; (7) the Department of Transportation  
179 may replace the Hales Road Highway Bridge over railroad tracks in

180 Westport, Bridge Number 03852, with a new bridge that provides a  
 181 minimum overhead clearance over the railroad tracks that shall be  
 182 eighteen feet, five inches; [and] (8) the Department of Transportation  
 183 may replace the Pearl Street Highway Bridge over railroad tracks in  
 184 Middletown, Bridge Number 04032, with a new bridge that provides a  
 185 minimum overhead clearance over the railroad tracks that shall be  
 186 seventeen feet, eleven inches; and (9) the Department of  
 187 Transportation may construct a new bridge that provides a minimum  
 188 overhead clearance of twenty-two feet, two inches for the structure  
 189 carrying Metro Center Access Road over the Metro-North Railroad in  
 190 Fairfield.

191 Sec. 7. Subsection (a) of section 16a-27 of the 2012 supplement to the  
 192 general statutes is repealed and the following is substituted in lieu  
 193 thereof (*Effective July 1, 2012*):

194 (a) The secretary, after consultation with all appropriate state,  
 195 regional and local agencies and other appropriate persons, shall, prior  
 196 to March 1, 2012, complete a revision of the existing plan and enlarge it  
 197 to include, but not be limited to, policies relating to transportation,  
 198 energy and air. [Any revision made after May 15, 1991, shall identify  
 199 the major transportation proposals, including proposals for mass  
 200 transit, contained in the master transportation plan prepared pursuant  
 201 to section 13b-15.] Any revision made after July 1, 1995, shall take into  
 202 consideration the conservation and development of greenways that  
 203 have been designated by municipalities and shall recommend that  
 204 state agencies coordinate their efforts to support the development of a  
 205 state-wide greenways system. The Commissioner of Energy and  
 206 Environmental Protection shall identify state-owned land for inclusion  
 207 in the plan as potential components of a state greenways system.

208 Sec. 8. Subdivision (10) of section 25-201 of the general statutes is  
 209 repealed and the following is substituted in lieu thereof (*Effective July*  
 210 *1, 2012*):

211 (10) "Major state plan" means [the master transportation plan

212 adopted pursuant to section 13b-15,] the plan for development of  
213 outdoor recreation adopted pursuant to section 22a-21, the solid waste  
214 management plan adopted pursuant to section 22a-211, the state-wide  
215 plan for the management of water resources adopted pursuant to  
216 section 22a-352, the state-wide environmental plan adopted pursuant  
217 to section 22a-8, the plan for the disposal of dredged material for Long  
218 Island Sound, the historic preservation plan adopted under the  
219 National Historic Preservation Act, as amended, the state-wide facility  
220 and capital plan adopted pursuant to section 4b-23, the water quality  
221 management plan adopted under the federal Clean Water Act, the  
222 marine resources management plan, the plan for managing forest  
223 resources, the wildlife management plans and the salmon restoration  
224 plan;

225 Sec. 9. Subsection (e) of section 25-204 of the general statutes is  
226 repealed and the following is substituted in lieu thereof (*Effective July*  
227 *1, 2012*):

228 (e) After adoption pursuant to subsection (d) of this section of an  
229 inventory, statement of objectives and map, the river committee shall  
230 prepare a report on all federal, state and municipal laws, plans,  
231 programs and proposed activities which may affect the river corridor  
232 defined in such map. Such laws shall include regulations adopted  
233 pursuant to chapter 440 and zoning, subdivision and site plan  
234 regulations adopted pursuant to section 8-3. Such plans shall include  
235 plans of conservation and development adopted pursuant to section 8-  
236 23, the state plan for conservation and development, water utility  
237 supply plans adopted pursuant to section 25-32d, coordinated water  
238 system plans adopted pursuant to section 25-33h, municipal open  
239 space plans, the commissioner's fish and wildlife plans, [the master  
240 transportation plan adopted pursuant to section 13b-15,] plans  
241 prepared by regional planning agencies pursuant to section 8-31a, and  
242 publicly-owned wastewater treatment facility plans. State and regional  
243 agencies shall, within available resources, assist the river committee in  
244 identifying such laws, plans, programs and proposed activities. The



245 report to be prepared pursuant to this section shall identify any  
246 conflicts between such federal, state, regional and municipal laws,  
247 plans, programs and proposed activities and the river committee's  
248 objectives for river corridor protection and preservation as reflected in  
249 the statement of objectives. If conflicts are identified, the river  
250 committee shall notify the applicable state, regional or municipal  
251 agencies and such agencies shall, within available resources, attempt  
252 with the river commission to resolve such conflicts.

253 Sec. 10. Subdivision (4) of section 25-231 of the 2012 supplement to  
254 the general statutes is repealed and the following is substituted in lieu  
255 thereof (*Effective July 1, 2012*):

256 (4) "Major state plan" means any of the following: The [master  
257 transportation plan adopted pursuant to section 13b-15, the] plan for  
258 development of outdoor recreation adopted pursuant to section 22a-21,  
259 the solid waste management plan adopted pursuant to section 22a-211,  
260 the state-wide plan for the management of water resources adopted  
261 pursuant to section 22a-352, the state-wide environmental plan  
262 adopted pursuant to section 22a-8, the historic preservation plan  
263 adopted under the National Historic Preservation Act, 16 USC 470 et  
264 seq., the state-wide facility and capital plan adopted pursuant to  
265 section 4b-23, the state's consolidated plan for housing and community  
266 development prepared pursuant to section 8-37t, the water quality  
267 management plan adopted under the federal Clean Water Act, 33 USC  
268 1251 et seq., any plans for managing forest resources adopted pursuant  
269 to section 23-20 and the Connecticut River Atlantic Salmon Compact  
270 adopted pursuant to section 26-302;

271 Sec. 11. Subsection (e) of section 25-234 of the general statutes is  
272 repealed and the following is substituted in lieu thereof (*Effective July*  
273 *1, 2012*):

274 (e) After adoption of an inventory, statement of objectives and map,  
275 pursuant to subsection (d) of this section, the river commission shall  
276 prepare a report on all federal, state, regional and municipal laws,

277 plans, programs and proposed activities that may affect the river  
 278 corridor defined in such map. Such federal, state, regional and  
 279 municipal laws shall include regulations adopted pursuant to chapter  
 280 440, and zoning, subdivision and site plan regulations adopted  
 281 pursuant to section 8-3. Such federal, state, regional and municipal  
 282 plans shall include plans of development adopted pursuant to section  
 283 8-23, the state plan for conservation and development, water utility  
 284 supply plans submitted pursuant to section 25-32d, coordinated water  
 285 system plans submitted pursuant to section 25-33h, [the master  
 286 transportation plan adopted pursuant to section 13b-15,] plans  
 287 prepared by regional planning organizations, as defined in section 4-  
 288 124i, and plans of publicly owned wastewater treatment facilities  
 289 whose discharges may affect the subject river corridor. State and  
 290 regional agencies shall, within available resources, assist the river  
 291 commission in identifying such laws, plans, programs and proposed  
 292 activities. The report to be prepared pursuant to this section shall  
 293 identify any conflicts between such federal, state, regional and  
 294 municipal laws, plans, programs and proposed activities and the river  
 295 commission's objectives for river corridor management as reflected in  
 296 the statement of objectives. If conflicts are identified, the river  
 297 commission shall notify the applicable state, regional or municipal  
 298 agencies and such agencies shall, within available resources and in  
 299 consultation with the river commission, attempt to resolve such  
 300 conflicts.

301 Sec. 12. Section 13b-15 of the general statutes is repealed. (*Effective*  
 302 *July 1, 2012*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2012</i>	13a-80
Sec. 2	<i>October 1, 2012</i>	15-13(e)
Sec. 3	<i>October 1, 2012</i>	15-15e
Sec. 4	<i>October 1, 2012</i>	New section
Sec. 5	<i>October 1, 2012</i>	New section

Sec. 6	<i>July 1, 2012</i>	13b-251(a)
Sec. 7	<i>July 1, 2012</i>	16a-27(a)
Sec. 8	<i>July 1, 2012</i>	25-201(10)
Sec. 9	<i>July 1, 2012</i>	25-204(e)
Sec. 10	<i>July 1, 2012</i>	25-231(4)
Sec. 11	<i>July 1, 2012</i>	25-234(e)
Sec. 12	<i>July 1, 2012</i>	Repealer section

***Statement of Purpose:***

To revise Department of Transportation statutes.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*